

REMARKS

Applicants thank the Examiner for total consideration given the present application. Claims 1-18 remains pending. Claims 1 and 15 have been amended through this Reply. Claims 1 and 15 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

INTERVIEW SUMMARY

During our discussion, the Examiner maintained that Nagano and Canini combined to teach all claimed features in claim 1. More specifically, the Examiner asserted that Nagano teaches in Fig. 6A where subregions 119a and 119b have smaller effective areas than a main region 119c depending on the state of the aperture.

We have presented an argument that regardless of the aperture opening, solid state image pick up regions 119a and 119b are larger than 119c. In addition, we argued that even if the aperture as shown in Fig 6A is smaller than the solid state image pick up area, the entire region of 119a, 119b, and 119c are exposed to a light source passing through the opening of the aperture.

The Examiner rebutted that since the claim 1 does not specifically define a sensitivity control of the subregion and the main region, our argument based on the Nagano's lack of sensitivity control circuit does not place the claim distinguishable from Nagano and Canini combined.

In response, we proposed an amendment to the sensitivity control circuit that further defines the adjustment of the predetermined sensitivity of the subregion. The Examiner agreed that the proposed amendment would overcome the prior art rejection.

35 U.S.C. § 103 REJECTION – NAGANO IN VIEW OF CANINI

Claims 1-12, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nagano (USPN 7,041,950) (hereinafter “Nagano”) in view of Canini (USPN 7,053,954) (hereinafter “Canini”). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Claim 1 recites “A solid-state image pickup apparatus comprising ... *wherein the sensitivity control circuit controls said exposure time over said subregions to adjust the predetermined sensitivity of the subregion in terms of a correction ratio between the quantities of light incident to the main and subregions*” Nagano merely teaches a solid-state image pick up apparatus comprising plurality of pixels where each pixel has three light receiving regions 119a, 119b, and 119c, segmented by electrodes. Nagano fails to teach or suggest a sensitivity control circuit as recited in claim 1.

The Office Action asserts that Canini teaches this missing feature in Nagano. The Office Action alleges that Canini teaches a sensitivity control circuit (figure 6, col. 7, lines 7-11) comparing actual sensitivity of each of a group of pixels by comparing overexposure or underexposure images. Canini teaches a sensitivity control circuit (figure 6, col. 7, lines 7-11) comparing actual sensitivity of each of a group of pixels by comparing overexposure or underexposure images. However, Canini fails to teach or suggest that “*the sensitivity control circuit controls said exposure time over said subregions to adjust the predetermined sensitivity of the subregion in terms of a correction ratio between the quantities of light incident to the main and subregions,*” as recited in claim 1.

Therefore, neither Nagano or Canini or in combination thereof teach or suggest all claimed features in claim 1. Similarly, claim 15 is a method claim including similar feature as described in apparatus claim 1.

Therefore, for at least these reasons, claims 1 and 15 are distinguishable from the combination of Nagano and Canini. Claims 2-12 depend from claim 1 and claim 16 depends from claim 15. Therefore, for at least the reasons stated with respect to claims 1 and 15, claims 2-12 and 16 are also distinguishable over the combination of Nagano and Canini. Applicant respectfully requests that the rejection of claim 1-12, 15, and 16, based on Nagano and Canini, be withdrawn.

35 U.S.C. § 103 REJECTION – NAGANO IN VIEW OF CANINI AND FURTHER IN VIEW OF GAYLORD

Claims 13, 14, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nagano in view of Canini as applied to claims 4 and 15 above, and further in view of Gaylord (USPN 6,628,334) (hereinafter “Gaylord”). Applicant respectfully traverses.

As presented above, Nagano and Canini fails to teach or suggest “*the sensitivity control circuit controls said exposure time over said subregions to adjust the predetermined sensitivity of the subregion in terms of a correction ratio between the quantities of light incident to the main and subregions*”. In addition, Gaylord fails to teach or suggest the above limitation to supplement Nagano and Canini’s missing feature.

Accordingly, as set forth on page 14 of the Office Action, the Examiner relies on Gaylord as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Gaylord, however, fails to make up for the deficiencies of Nagano and Canini discussed above with respect to Claim 1. Therefore, the asserted combination of Nagano, Canini and Gaylord (assuming these references may be combined, which applicant does not admit) fails to establish prima facie obviousness of any pending claims.

Conclusion

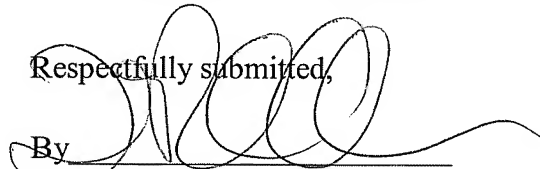
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 31, 2007

Respectfully submitted,



By

D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant